

Review of National Best Practices

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Executive Summary:

The Los Angeles Police Commission (“Police Commission”) requested an analysis of the Los Angeles Police Department’s (“LAPD”) efforts to implement recommendations set forth in two policing “best practices” documents: the Final Report of the President’s Task Force on 21st Century Policing (“21st Century Policing Report”) and the Police Executive Research Forum’s Guiding Principles on Use of Force. The Office of Inspector General (“OIG”) prepared this report in May 2017 in response to the Commission’s request. According to the OIG, the LAPD had already implemented most of the recommendations from the best practices documents; the report provides additional steps that the LAPD can take to conform to the guidance documents.

The OIG’s recommendations are divided into seven topics: (1) adopting procedural justice principles; (2) prevention of biased policing; (3) establishing a culture of transparency and accountability; (4) collecting and reporting of data; (5) policies and practices relating to the use of force; (6) stop and search policies; and (7) expanding community policing. These topics relate to one or more of the recommendations in the 21st Century Policing Report. Within each topic, the OIG points out recent challenges that the LAPD has attempted to address, the efficacy of recently adopted measures, and further steps the LAPD should consider taking to further align with national best practices. Like the 21st Century Policing Report, the OIG report concludes by listing potential recommendations for the LAPD’s consideration.

Below is a summary of recommendations for each of the seven topics in the report.

Adopting Procedural Justice Principles

- *Related recommendations from the 21st Century Policing Report are found in Pillar 1: Building Trust and Legitimacy*
- The OIG described how LAPD principles and policies already incorporate “guardianship, service, and respect for the dignity of others,” as well as “police legitimacy.” p 6, pdf pp 9.
- **External Procedural Justice:** Acknowledging that there have been public questions about the LAPD’s legitimacy despite existing principles, OIG described the recent trainings that the LAPD has developed and launched in 2015-2016, including a 5-hour training called “Public Trust and the Preservation of Life” and the “Police Sciences and Leadership” (“PSL”) course. p 7, pdf pp 10. The PSL course is a two-week leadership program; “the first week of the program focuses on community policing concepts and includes sessions on effective communication, implicit bias, procedural justice, use of force philosophy and de-escalation, and the guardian mindset,” and the second week “builds on and expands the concepts of the first week in training officers about effective and empathetic interactions with persons with mental health and other disabilities.” p 7, pdf pp 10. The OIG attended these trainings and found them effective. p 8, pdf pp 11.

- **Internal Procedural Justice:** The LAPD began addressing officers' frustration with the disciplinary system by, for example, "creati[ng] . . . a discipline matrix to provide greater consistency and transparency in the system, . . . develop[ing] . . . a process to analyze grievances received by officers, and . . . introduc[ing] . . . a specialized conflict resolution training program for [LAPD] supervisors and command staff." p 10, pdf pp 13. However, the OIG observed that officers continue to be frustrated with the discipline system. *Id.*
- **Recommendations:**
 - o "[C]ontinue to look at ways to incorporate procedural justice into all aspects of Department process and practice, including development of policies and procedures, evaluation of officers' performance, and the provision of information to the public." p 12, pdf pp 15.
 - o "[E]nsure that historical documents and reports regarding the LAPD, such as reports on the Consent Decree, Christopher Commission, and Rampart Incident, are available on the Department's website, and that discussion of LAPD's past is included in Department trainings where appropriate." *Id.*
 - o "[C]ontinue to develop the Police Sciences and Leadership series, ensuring that the program has sufficient staffing and support." *Id.*
 - o "[C]onduct an in-depth evaluation of the disciplinary system, to include an employee survey, and identify ways to improve procedural justice internally." *Id.*

Preventing Biased Policing

- *Related recommendations from the 21st Century Policing Report are found in Pillar 2: Policy and Oversight and Pillar 5: Training & Education*
- The LAPD previously implemented reforms to reduce "biased policing" (or racial and identity profiling) after a federal Consent Decree in 2001. p 12-13, pdf pp 15-16. More recently, a biased policing mediation program was created to allow complainants and accused officers to meet and discuss possible resolutions. p 13, pdf pp 16.
- **Implicit Bias Training:** As of March 2017, the LAPD began implicit bias trainings led by a national expert and professor of psychology. p 14, pdf pp 17. "The training [was to] be provided to all Department employees over a series of four-hour sessions, with approximately 100 employees attending each session." *Id.* These sessions would "provide an overview of implicit bias, including how it is measured, its potential impact, and ways that it can be reduced." *Id.*
- Additionally, the LAPD explored opportunities to integrate implicit bias training into its ongoing courses, using a curriculum called "Fair and Impartial Policing" ("FIP"). p 14, pdf pp 17. The first FIP training was provided to command staff in 2014. p 15, pdf pp 18. Since then, the FIP curriculum has been incorporated into Academy, one of the PSL courses, Field Training Officer ("FTO") refresher courses, and classes for police captain candidates. *Id.*
- The OIG attended several training sessions and discovered that the courses were well-received by younger officers, but the FTOs (typically more senior) found the training unnecessary and accusatory, and questioned its usefulness. See p 16, pdf pp 19. The LAPD "re-evaluated its approach and made several changes in the presentation of the [FTO] class" which "included an extensive introduction that reframed the training as one

that will assist the FTOs in identifying and addressing potential bias in their trainees.” *Id.* The FTOs responded more positively to the updated training. *Id.*

- LAPD has indicated that it plans to “develop a more in-depth ‘quality control’ mechanism for trainings, which would include course audits and the development of measures to determine the impact training has on Department practice.” p 16, pdf pp 19.
- “[T]he [Police] Commission has recently taken steps to expand the [LAPD’s] efforts to mitigate implicit bias beyond providing training alone. It is exploring ways to create metrics and systems to measure and identify areas of concern and to incentivize the type of activities that increase community engagement and trust.” p 19, pdf pp 22.
- **Other Diversity Training:** Aside from implicit bias training, the LAPD also offers cultural diversity training, such as “detailed trainings on interactions with the Sikh and LGBTQ communities.” p 21, pdf pp 24. The OIG also witnessed the LAPD interact with members of the community that have autism or traumatic brain injuries; officers and community members “share[d] their experience and insight.” *Id.*
- Since California enacted the Racial and Identity Profiling Act (“RIPA”), the LAPD expanded its anti-bias policy to include the category of age. p 21, pdf pp 24. The OIG found that the LAPD’s policy is generally aligned with the 21st Century Policing Report recommendations, although the policy does not include categories of “immigration status, housing status, occupation, and language fluency,” which the LAPD should consider including. *Id.*
- **Recommendations:**
 - o “[C]ontinue to implement implicit bias training for officers at all levels, assessing effectiveness of the training on an ongoing basis.” p 22, pdf pp 25.
 - o “[C]ontinue to ensure the selection of training coordinators and Field Training Officers (FTOs) who demonstrate cultural and community sensitivity, as well as a commitment to identifying and reducing the effects of implicit bias.” *Id.*
 - o “[C]onsider how to implement supervisor and agency-level protocols and systems to mitigate implicit bias in officer interactions with the public;” then “conduct research on recommended approaches and report back . . . to the [Police] Commission.” *Id.*
 - o “[C]ontinue to consider ways to incorporate community participation in the development and delivery of training for officers, where relevant.” *Id.*
 - o “[E]xpand . . . policies to include anti-bias language for immigration status, housing status, occupation, and language fluency.”

Establishing a Culture of Transparency and Accountability

- *Related recommendations from the 21st Century Policing Report are found in Pillar 1: Building Trust and Legitimacy, Pillar 2: Policy and Oversight, and Pillar 3: Technology and Social Media.*
- **Public Access to Information:** The 21st Century Policing Report recommended that agencies make all policies available to the public—the OIG found that the LAPD already provides its full Manual of Policies and Procedures online. p 22-23, pdf pp 25-26. However, the policies are not necessarily easy to navigate and a number of “notices, directives, bulletins, and orders” are not incorporated into the Manual. p 23, pdf pp 26.

Some standards pertaining to the use of force are not available in full on the LAPD's website. *Id.*

- The OIG noted that the LAPD already releases information about serious uses of force and other information, as recommended by the 21st Century Policing Report. p 23, pdf pp 26. In 2017, the LAPD presented an updated media protocol to the Police Commission, which “significantly expand[ed] the type and quantity of information to be released to the public . . . facilitated by the creation of a new webpage dedicated to CUOF [Categorical Use of Force] incidents that will aggregate different sources of information about an incident by case number.” p 24, pdf pp 27. A Use of Force section of the website, containing this information, was launched in April 2017. *Id.* The LAPD was also considering “the possibility of developing a Community Briefing Video for each case, to be posted on the dedicated webpage, that will include maps, photographs, and other graphics describing the evidence gathered to date.” *Id.*
- In August 2016, the LAPD created a new Family Liaison Unit: “a centralized point of contact for the families of those killed or seriously injured in an officer-involved shooting or other serious use of force, as well as those who die in police custody.” p 25, pdf pp 28. “Processes and procedures” for the unit were still in development. *Id.*
- At the time of the OIG’s report, there was no written policy on the release of body-worn video (“BWV”) footage, or other surveillance videos. p 25, pdf pp 28. The Police Commission partnered with the NYU Law Policing Project in January 2017 to “gather feedback and opinions about the Department’s video release process.” *Id.*
- **Input on LAPD Policy:** Police Commission meetings are open to the public; those meetings include discussions about policy proposals and revisions. p 26, pdf pp 29. However, the OIG was “not aware of any process where the feedback is solicited directly from employees in a systematic manner.” p 27, pdf pp 30.
- **Community Surveys:** The LAPD “conducted the first of what is hoped to be a series of annual surveys of Los Angeles residents” in February 2016. p 27, pdf pp 30. The survey asked over 2,000 residents for their views about “public safety, police effectiveness, satisfaction with the police, and police fairness and integrity.” *Id.* Results of the survey were provided in a November 2016 LAPD report; the LAPD continued to analyze the results “to determine the reason for these gaps in trust among communities.” *Id.*
- **Recommendations:**
 - “[U]pdate and keep current the online version of the Manual of Policies and Procedures, along with an online index of Special Orders by date to show when policies have been changed.” p 28, pdf pp 31.
 - “[P]ost an up-to-date index of policies and directives that are of interest to the public, including but not limited to policies on: the use of force; use of specific force options; de-escalation; the intake, investigation, and adjudication of personnel complaints; use of body-worn and in-car video cameras and footage; and biased policing.” *Id.*
 - “[C]ontinue to expand and use, where relevant, processes to solicit, gather, and consider feedback from members of the public prior to making significant policy changes.” *Id.*
 - “[C]ontinue to conduct the community survey on an annual basis, and publish and analyze the results, including year-to-year changes. The [LAPD] should also

consider adding additional questions regarding the factors affecting respondents' answers." *Id.*

Collection and Reporting of Data

- *Related recommendations from the 21st Century Policing Report are found in Pillar 1: Building Trust and Legitimacy and Pillar 2: Policy and Oversight.*
- **Publicly Available Reports and Data:** Since the 2001 federal Consent Decree, the LAPD has collected and published "extensive statistics about a variety of law enforcement data, including all reportable uses of force, vehicle and pedestrian stops, complaints from the public, calls for service, citations, and arrests." p 29, pdf pp 32. Key reports include: the 2007-2014 Semi-Annual Public Report (which includes statistics on "motor vehicle and pedestrian stops, use of force incidents, and arrests, including ethnic/racial descent"); the 2007-2017 Quarterly Discipline Report (which "provides detailed and extensive data about the internal disciplinary program, including personnel complaints initiated, the results of the investigation, and any associated discipline"); and the 2009-2011, 2013, and 2015-2016 Annual Use of Force Report (which "describes policies surrounding the use of force as well as detailed statistics regarding LAPD use of force incidents and their adjudication."). *Id.* The OIG noted that some of these reports appeared to be discontinued or were no longer posted. p 30, pdf pp 33.
- The LAPD has also published online raw data on crime reports, arrests, calls for service, and vehicle/pedestrian stops. p 30, pdf pp 33. But, the OIG found that the LAPD "[did] not currently publish detailed statistics or data about citations by race or ethnicity, which may be useful as contextual data for pedestrian stops or other activity. It also [did] not currently publish use of force or assault-on-officer data in an 'open data' format, but [was] working on plans to expand the current data sets to include, among other information, data on all uses of force." *Id.*
- LAPD officers are required to report all uses of force above "minor force," and OIG found this policy was "generally well aligned with, or more expansive than, those of most other agencies." p 31, pdf pp 34. However, the LAPD does not collect data on use of less-lethal weapons such as TASERS or beanbag shotguns. *Id.*
- **Compliance with Recently Enacted Laws:** In 2015, the RIPA was enacted along with a law requiring collection and reporting of certain use of force data to the California DOJ. p 32-35, pdf pp 35-38. The LAPD was taking steps to comply with these laws, including: developing a smartphone app to facilitate the collection of data during stops, and uploading its first year of required use of force data. *Id.*
- **Recommendations:**
 - "[R]esume online publication of statistical data on stops, arrests, complaints, and other activity" and "expand . . . open data access and update . . . Police Data Initiative datasets." p 36, pdf pp 39.
 - "[R]equire that all uses of less-lethal weapons against a person are reported and included in the use of force tracking database, including those that do not make contact with a person." *Id.*
 - "[C]ontinue to develop a plan to implement the requirements of AB 953" and "consider whether there are additional data fields that might be useful for LAPD purposes." *Id.*

- o “The [LAPD] should develop, in consultation with the [Police] Commission and the OIG, systems and mechanisms for the analysis of stop and search data to identify potential disparate treatment, implicit or explicit bias, differential enforcement practices, or Fourth Amendment concerns. As part of this process, it should present the findings of the recent evaluation of the TEAMS II Early Warning System to the Commission and discuss the extent to which stop data could be incorporated into its framework, along with other tools for analysis.” *Id.*
- o “[P]rioritize the deployment of body-worn and in-car video cameras to those officers with the highest volume of discretionary activity, including Metropolitan Division crime suppression details.” *Id.*

Use of Force

- *Related recommendations from the 21st Century Policing Report are found in Pillar 2: Policy and Oversight and Pillar 4: Community Policing and Crime Reduction.*
- **Progress on Use of Force Policies:** “In reviewing each of these recommendations [in the 21st Century Policing Report], the OIG found that the [LAPD] has already implemented or begun to implement the majority of the recommendations relating to the use of force.” p 36, pdf pp 39. Such adoptions included: establishing a review and adjudication process to look beyond the actual use of force and into the tactics and training; requiring officer to intervene to prevent others from using excessive force; and discouraging application of force to individuals that pose no danger to others. p 37, pdf pp 40.
- **Rendering Aid:** Although the OIG determined that the LAPD “already emphasizes the sanctity of human life,” the OIG noted that “there is currently no mandate that officers in the field render first aid to the subject prior to the arrival of medical personnel, although Department training does explore this issue in courses such as PSL.” p 38, pdf pp 41.
- **Crisis Response:** Between 2015 and 2017, the LAPD was “engaged in an intensive effort to significantly increase the capacity and effectiveness of its response to persons in behavioral crisis,” which “include[d] the expansion of multidisciplinary ‘SMART’ crisis response teams and the delivery of a new 40-hour intensive training, called the Mental Health Intervention Training (MHIT), to as many field officers as possible.” p 39, pdf pp 42. The OIG issued a report on the LAPD’s uses of less-lethal weapons at the request of the Police Commission, to “evaluate how such tools are used in incidents involving persons who are mentally ill or armed with weapons other than firearms.” *Id.* To educate families of persons with mental illness on ways to community with the police, the LAPD partnered with social service organizations to “conduct outreach and develop resource materials.” p 40, pdf pp 43. The LAPD’s Mental Evaluation Unit (“MEU”) has four dedicated Senior Lead Officers (“SLOs”) that cultivate the LAPD’s relationship with the community. *Id.*
- **Recommendations:**
 - o “[T]rain officers to render aid to subjects following a use of force when safe to do so. It should also ensure, on an ongoing basis, that officers are up-to-date in CPR and First Aid training as required by California law.” p 42, pdf pp 45.
 - o “[C]ontinue to explore ways to educate families of persons with mental health conditions on communicating with the call-takers and the police, including the development of trainings or forums.” *Id.*

- o “[C]omplete a draft of the Non-Categorical Use of Force policy revisions adopted by the [Police] Commission in 2013 and present it to the Commission for approval. As recommended in the OIG’s 2013 Follow-Up Report, [the LAPD] should also evaluate the possibility of using body-worn cameras to record non-employee witness interviews during a Level II Non-Categorical Use of Force. The findings of this review should also be presented to the [Police] Commission for its review.” *Id.*

Policies on Stops and Searches

- *Related recommendations from the 21st Century Policing Report are found in Pillar 2: Policy and Oversight.*
- **Officer Identification:** While LAPD policy is in conformance with 21st Century Policing Report recommendations that suggest officers should identify themselves during stops and provide a business card or other written information, “the OIG has observed that officers do not appear to consistently provide subjects of a stop with a business card. It has also noted in a previous report that reviewers could not always identify the explanation of the stop in videos associated with a pedestrian stop.” p 42, pdf pp 45. OIG shared these observations with the LAPD, prompting the Office of Operations to “prepare a notice reminding all Bureau commanding officers of requirements relating to collecting stop data and, when no enforcement action is taken, providing those stopped with a business card.” p 42-43, pdf pp 45-46.
- **Recommendations:**
 - o “[C]ontinue to reinforce and hold officers accountable for requirements that they identify themselves during a stop, provide a business card, and explain the reason for the stop.” p 43, pdf pp 46.
 - o “[P]rioritize the deployment of body-worn and in-car video cameras to those officers with the highest volume of discretionary activity, including Metropolitan Division crime suppression details[.]” *Id.*

Community Policing

- *Related recommendations from the 21st Century Policing Report are found in Pillar 1: Building Trust and Legitimacy and Pillar 4: Community Policing & Crime Reduction.*
- **Community Programs:** The OIG stated: “Over the past two decades, the LAPD has embraced community policing as its primary philosophy.” p 43, pdf pp 46. Community programs include: the Community Safety Partnership (“CSP”), which “embeds specialized groups of officers into the communities of eight public housing developments” for a term of at least five years; the Senior Lead Officer Program, in which officers serve as liaisons between the LAPD and the community; various programs for youth; and homeless outreach programs. p 44, pdf pp 46.
- **Balancing Results and Community Policing:** The OIG recognized that the 21st Century Policing Report calls for community policing to be “infused throughout the culture and organizational structure of the agency, and that officers be evaluated on their efforts to engage members of the community and the partnerships they develop.” p 45, pdf pp 48. Although the LAPD engages in community programs like those described above, officers are concerned that “the [LAPD’s] emphasis on producing results -- for example,

COMPSTAT numbers such as arrests, field interviews, and guns confiscated -- creates a disincentive for officers to spend time engaging with community members,” and others “feel pressure not to spend too much time conducting non-enforcement activities or, as noted in a previous section, attend training.” *Id.*

- **Recommendations:**

- o “[C]ontinue to evaluate deployment practices to ensure that there is sufficient time for officers to engage in community engagement and partnership.” p 46, pdf pp 49.
- o “[E]xplore ways to measure and incentivize activities associated with community policing” and then “return to the [Police] Commission in 90 days to present . . . findings and proposed action on this topic.” *Id.*